
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEITH FETSURKA;	:	Civil Rights Complaint
TIMOTHY SIECK;	:	42 U.S.C. § 1983
NICOLAS DEFINA;	:	
ANDREW SCOTT; and,	:	
FIREARMS POLICY	:	
COALITION, INC.,	:	
Plaintiffs	:	
	:	
v.	:	Case No. – 2:20-cv-05857
	:	
DANIELLE OUTLAW,	:	
Philadelphia Police Commissioner;	:	
CITY OF PHILADELPHIA,	:	
PENNSYLVANIA; and,	:	
COL. ROBERT EVANCHICK,	:	
Commissioner of Pennsylvania	:	
State Police,	:	
Defendants	:	

MOTION FOR CONTINUANCE OF HEARING

COME NOW Plaintiffs Keith Fetsurka, Timothy Sieck, Nicolas Defina, Andrew Scott, and Firearms Policy Coalition, Inc., by and through their counsel, hereby respectfully request this Honorable Court continue the hearing on Plaintiffs' Motion for Preliminary Injunction currently scheduled for January 12, 2021, and aver in support as follows:

1. Plaintiffs' counsel have been in ongoing settlement negotiations with Defendants City of Philadelphia, Pennsylvania, and Philadelphia Police Commissioner Danielle Outlaw's (collectively "City Defendants") counsel.

2. On December 18, 2020, counsel for Plaintiffs provided City Defendants' counsel a confidential settlement offer, as the undersigned advised the Court in Plaintiffs' prior motion for extension for time (ECF Doc. 32, ¶ 9).
3. On December 23, 2020, to further accommodate this process, the undersigned submitted a Motion for Extension to Time to File Response to Defendants' Motion to Dismiss (ECF Doc. 35), which this Court granted (ECF Doc. 36).
4. On December 30, 2020, Plaintiffs received a counter proposal from City Defendants.
5. On January 4, 2021, in keeping with their representations in the previous extension request, Plaintiffs submitted to City Defendants a revised version of City Defendants' counter proposal, serving as a further counter proposal.
6. On January 5, 2021, Judge Strawbridge contacted Plaintiffs' counsel for an update on the parties' progress, and Plaintiffs' counsel accordingly explained the status of the negotiations.
7. On January 7, 2021, counsel for City Defendants emailed Plaintiffs' counsel stating that City Defendants rejected Plaintiffs' counter proposal over concerns about some of the terms related to issues on which the parties have made progress to date but have not yet been able to strike clear or final agreements. Counsel for City Defendants stated they would be willing engage

in further settlement discussions under the guidance of Judge Strawbridge to the extent counsel for Plaintiffs would be willing to do so.

8. On January 8, 2021, Plaintiffs' counsel responded that they remain willing to engage in such further negotiation under the guidance of Judge Strawbridge and suggested the parties provide him the details about the issues that must be resolved in order to reach a settlement. Counsel for City Defendants advised that they had already supplied Judge Strawbridge with such information.
9. Plaintiffs' counsel suggested that all existing deadlines be further postponed to accommodate this process, for the same essential purpose that all the postponements to date have been requested and granted—to obviate the need for any unnecessary consumption of the parties' and the Court's time and resources for so long as a global settlement remains a realistic possibility.
10. Counsel for the State responded that his client has no objection to such extension requests in order to accommodate these further negotiations.
11. Counsel for City Defendants responded that they would have no objection to the requested continuance of the proceedings on Plaintiffs' motion for preliminary injunction or the requested continuance of the deadline for Plaintiffs to oppose City Defendants' motion to dismiss for these purposes.
12. **WHEREFORE**, Plaintiffs respectfully request that the hearing on the motion for preliminary injunction currently scheduled for Tuesday, January 12, 2021,

be postponed until January 19, 2021, and that the deadline for the City Defendants' opposition to the motion be extended to January 18, 2021.

Respectfully Submitted,

/s/ Adam Kraut
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